


CITY OF DULUTH
 Community Planning Division

 411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
 Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL16-146		Contact	Kate Van Daele, kvandaele@duluthmn.gov	
Type	Interim Use Permit- Vacation Dwelling Unit		Planning Commission Date		January 10, 2017
Deadline for Action	Application Date		Dec 12, 2016	60 Days	February 10, 2017
	Date Extension Letter Mailed		Dec 27, 2016	120 Days	April 11, 2017
Location of Subject		119 St. Paul Ave			
Applicant	Beth Gauper & Torsten Muller		Contact		
Agent	Jackie & Rod DeVogel		Contact		
Legal Description		Lots 1 & 2 of the Woodland Park 7 th Division			
Site Visit Date		December 27, 2016	Sign Notice Date		December 27, 2016
Neighbor Letter Date		December 27, 2016	Number of Letters Sent		35

Proposal

Applicant proposes to use their home as a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Residential	Traditional Residential
North	R-1	Single Family Residential	Traditional Residential
South	R-1	Single Family Residential	Traditional Residential
East	R-1	Single Family Residential	Traditional Residential
West	R-1	Single Family Residential	Traditional Residential

Summary of Code Requirements

UDC Section 50-19.8. Permitted Land Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Section 50-37.10.B.... Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The...Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.10.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

UDC Section 50-37.10.E....the Council shall only approve an Interim Use Permit , or approve it with conditions, if it determines that: (1) A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location, (2) The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain, (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the Interim Use Permit as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No Interim Use Permit shall be issued until a development agreement confirming these points is executed.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 – Encourage mix of activities, uses and densities

Future Land Use – Traditional Neighborhood

Characterized by a grid or connected street pattern, houses orientated with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

This site has been developed so that it is consistent with the future land use as described and the applicants are not proposing alterations to its use.

Review and Discussion Items

- 1) The applicant's property is located on 119 St. Paul. The dwelling unit has two bedrooms, which would allow for a maximum of four people.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has the authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant has designated Jackie & Rod DeVogel, as the managing agent. The DeVogel's reside at 115 St. Paul Ave.
- 3) One parking space is required for this unit. The space is located in the unit's garage. Additional parking spaces are located in the driveway of the house.
- 4) The site plan submitted indicates that there shows existing screening/buffering from other properties on the North, West and South side of the home. The site plan also indicates a small patio in the backyard of the home located on the North side of the backyard. The useable exterior space has been buffered from all adjoining properties in accordance with the UDC requirements.
- 5) A time limit on this Interim Use Permit is needed minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7. states that Interim Use Permit's shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will need to complete an inspection from the Minnesota Department of Health as a part of the process for obtaining a Lodging License, and one with the City's fire prevention office. The applicant will also need to apply for a Hotel/Motel License and Tourism Tax Permit.
- 7) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Pets, and Noise").
- 8) No comments from citizens or other City Departments were received regarding this zoning application.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission recommend approval subject to the following conditions:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permit for operation. The resolution cannot be affirmatively considered by the City Council until all required documentation is provided to City Staff,
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit documents and provide evidence of compliance, which will be included in the resolution.
- 3) The applicant must disclose to all guests, in writing that quiet hours shall be observed between the hours of 10p.m. and 8a.m.

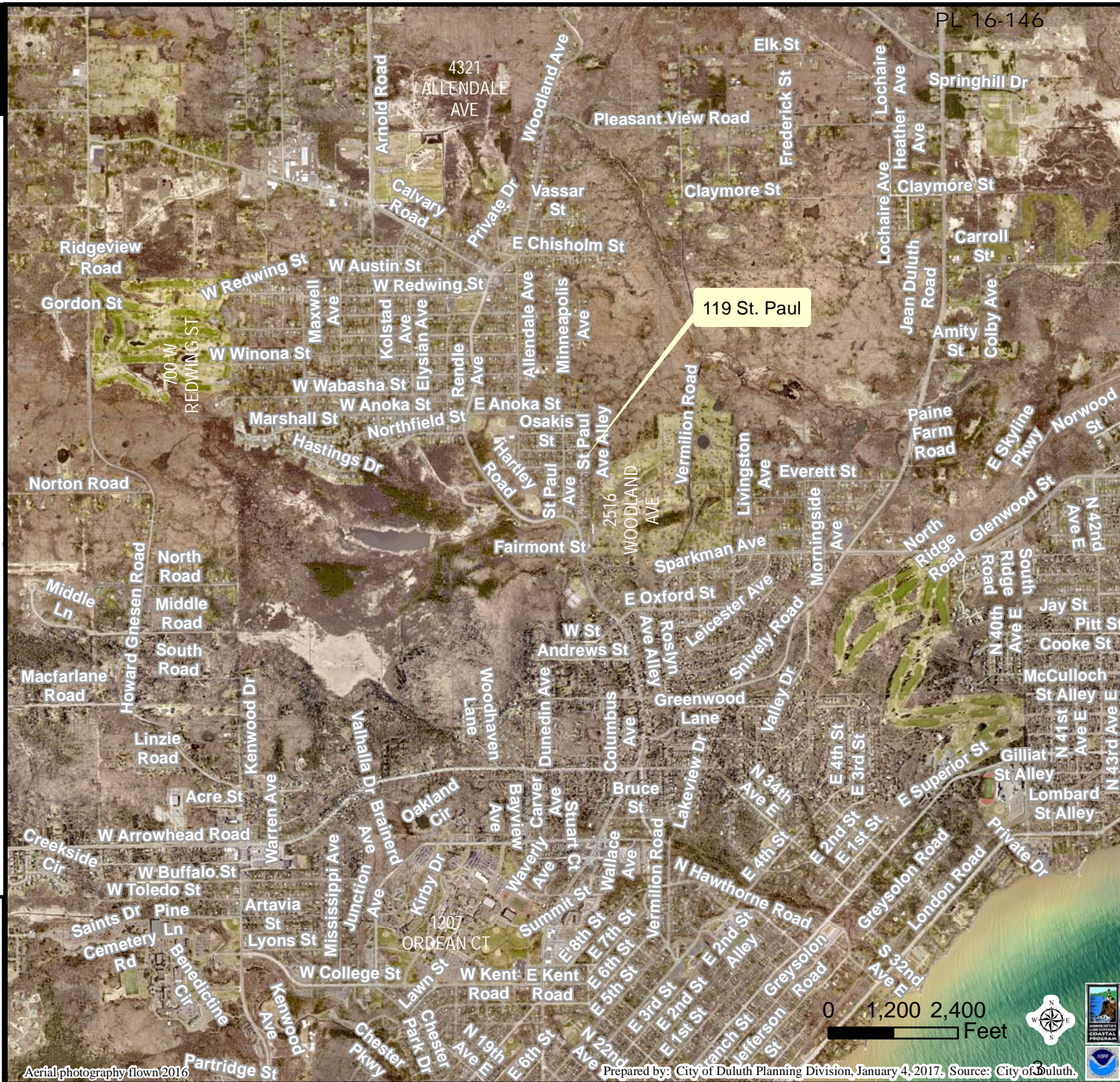


City Planning

PZ16-146:
119 St. Paul

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Aerial photography flown 2016





City Planning

PL 16-146: IUP
119 St Paul Ave.

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Zoning Boundaries



Zoning Boundaries

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

Gas Distribution Main

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin

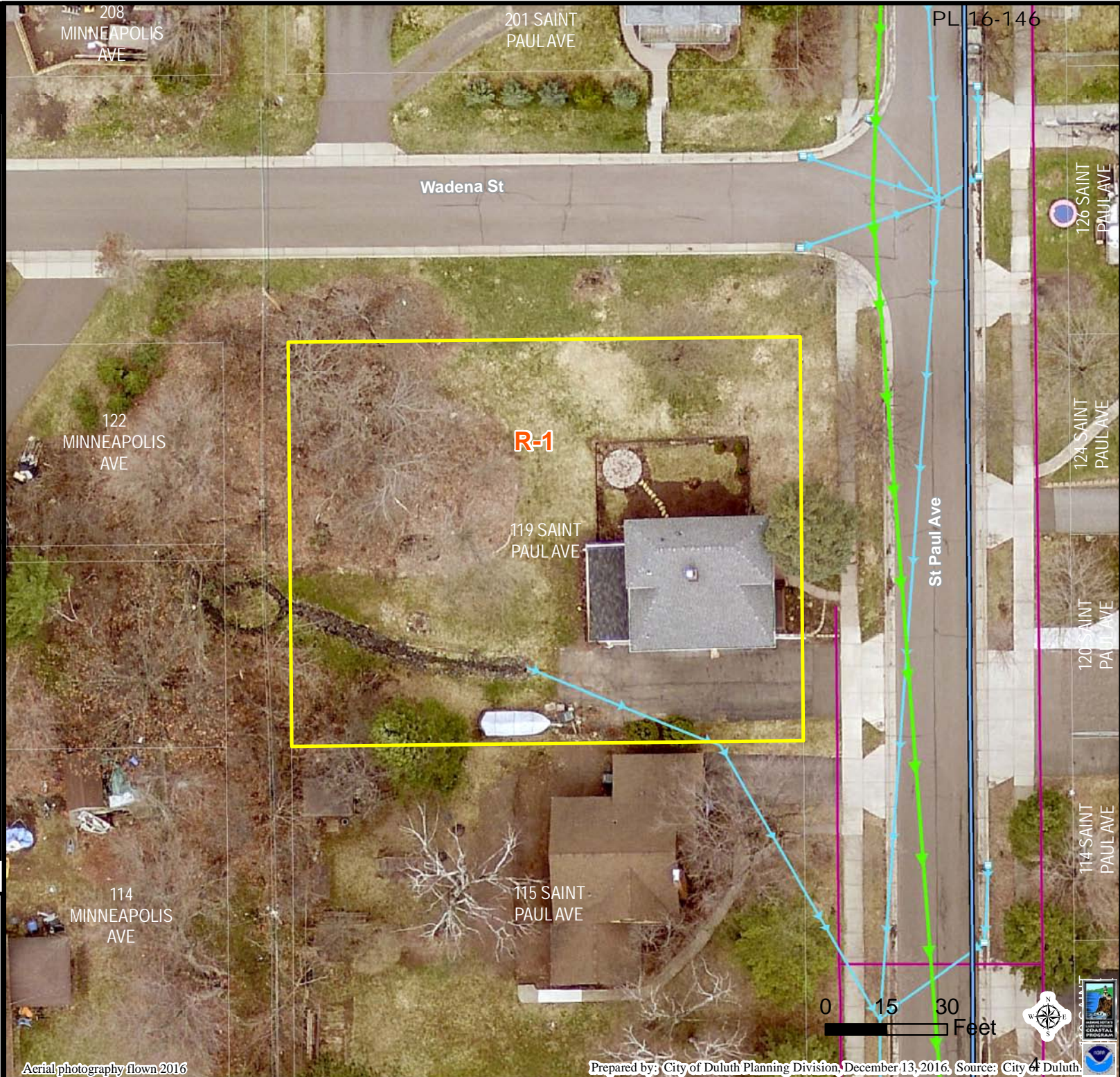


Vacated ROW

Easement Type

- Utility Easement
- Other Easement

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The Duluth Hiker House

We are applying for a vacation rental license for our home at 119 St. Paul Ave. in the Woodland neighborhood.

It's well-suited for vacationers because it's much like a cabin. There is a loft suite with a bedroom and a full bathroom, which has a double whirlpool and steam shower. The first floor features a gas fireplace and a full kitchen with dining area. The only other bedroom is in the lower walk-out level, where there is another full bathroom.

We expect to attract mainly people interested in the outdoors and silent sports: hikers, runners, mountain bikers, skiers and snowshoers, since we are a block from the Superior Hiking Trail and Hartley Park.

Our house can accommodate no more than five people. For five people, there is more than ample space on the property, which is a corner lot of .29 acres plus the city easement along Wadena Street and a wooded hillside in back, which provides a natural screen to our neighbors on Minneapolis Ave. Our property includes a natural groundwater stream in our backyard.

We have two patios, one in front overlooking St. Paul Ave. and one in the side yard with a view of the backyard and the wooded area (see maps).

In the double-wide driveway, there is room for six cars, or four cars and one motorhome.

We will require a minimum two-night stay, and will not rent the home for more than 29 nights per guest. We will obtain all licenses and permits from the City of Duluth and State of Minnesota and supply all required documents required for guest occupancy. Our home has already been inspected by the fire prevention office and an operational permit is pending. Our tax-permit number is 1510.

The property will be managed by our next-door neighbors, Rod and Jackie DeVogel at 115 St. Paul Ave., who are very experienced in property management. Jackie is the long-time owner/manager of a four-plex on Jefferson Street, and Rod rents his former home in Superior and works as the maintenance supervisor of a seniors community in Duluth.

The DeVogels will have the authority to respond to any complaints from neighbors or the city. We will provide their contact information to all property owners within 100 feet of our property boundary, and we will notify our neighbors of any change in that contact information within 10 days.

We will keep a guest record including the name, address, phone number and vehicle and trailer license-plate information for all guests and provide it to the city if requested.

In addition to providing maps and recommendations of restaurants and places to see, we will provide our guests with written rules and regulations regarding their stay and the DeVogels' contact information.

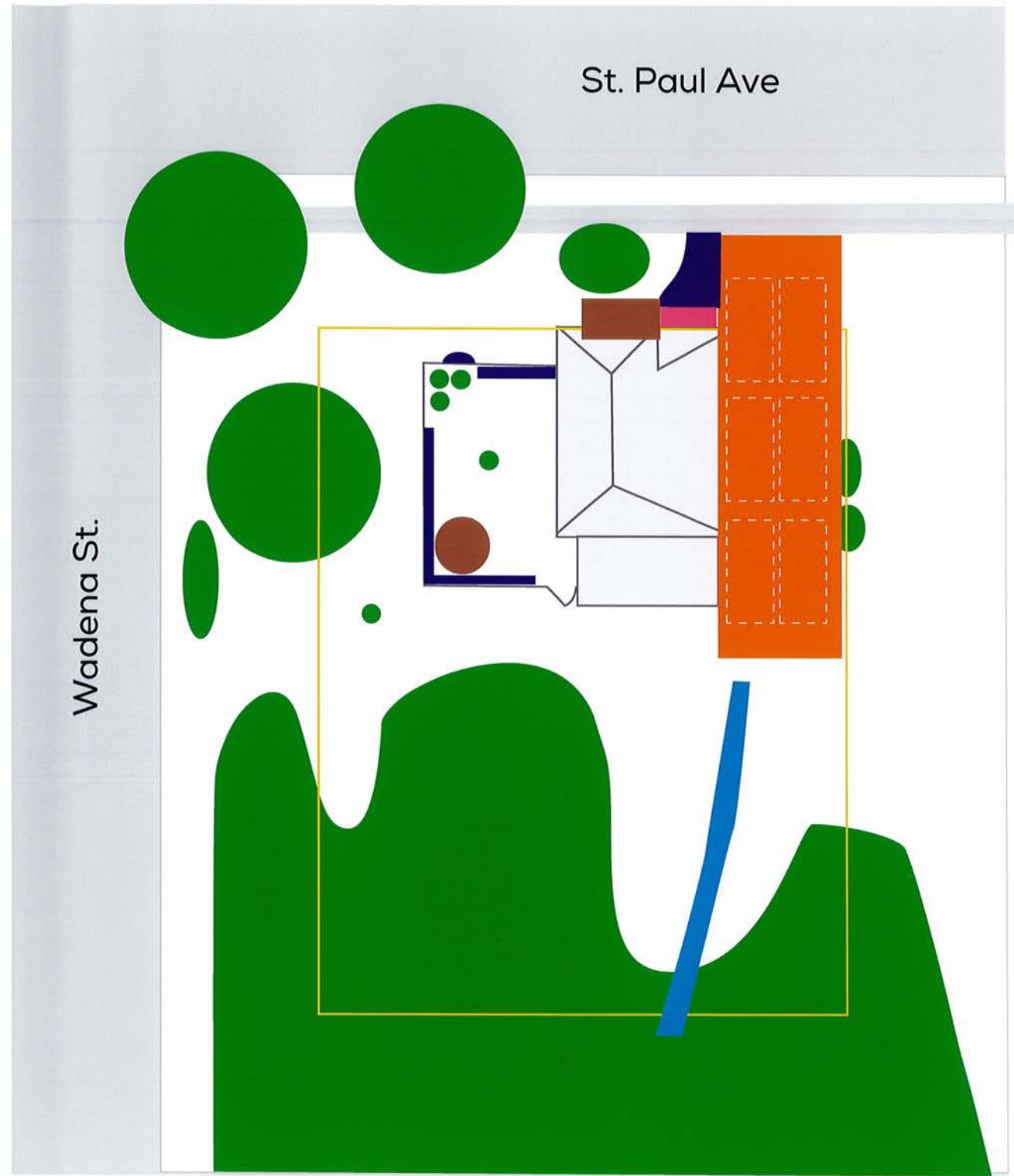
In all our communication with guests and in advertisements, we will clearly state that a maximum of five guests are allowed with a maximum of no more than five cars or four cars and one recreational vehicle. We have recently removed a fire ring along the stream, and we will not allow fires. We do not allow pets. Our guests will be told quiet time starts at 10 p.m., but we do not expect outdoor activity after dusk because of mosquitoes.

We will post our permit number on all advertisements.

Thank you.
Beth Gauper and Torsten Muller, owners

RECEIVED DEC 12 2016

RECEIVED DEC 12 2016



All features
and
natural screens

Legend

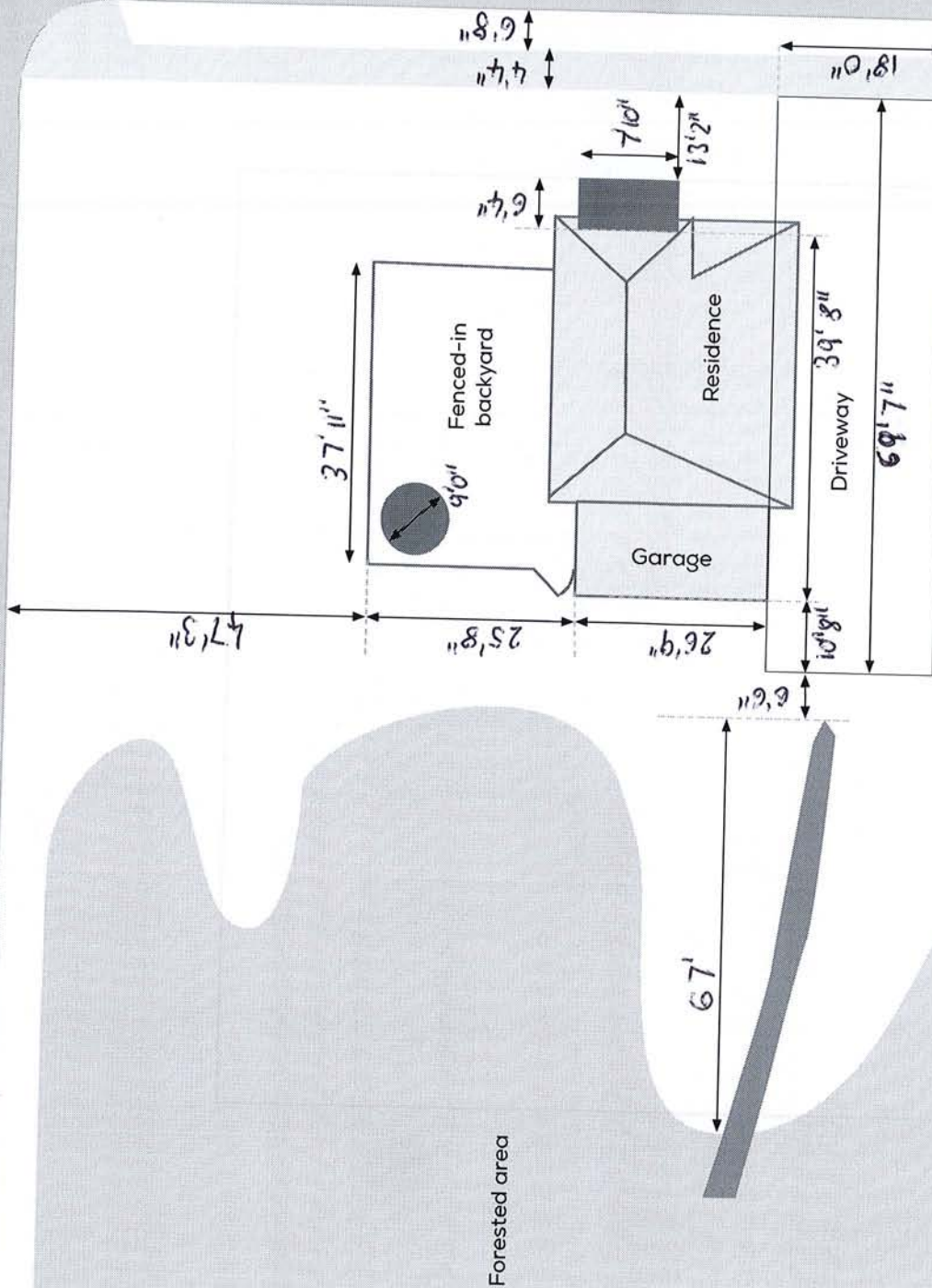
- Property boundary
- Off-street parking
- Natural groundwater stream
- Trees/Woods
- Front stoop / Seating
- Patio
- Flower garden
- Fence



Site Dimensions

Wadena St.

St. Paul Ave



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CITY OF DULUTH

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
 Community Planning Division
 411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
 218-730-5580 – An Equal Opportunity Employer

Site Visit at 119 St. Paul Ave (PL16-146)



South side with parking spaces



North side of the home



Garage – 1 parking spot



2 Bedroom Home